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8 Attorneys for Nominal Defendant
BEA Systems, Inc. and Defendants
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9 Barbara J. Britton, Mark T. Carges, Sam
Cece, Alfred S. Chuang, William T. Coleman,
10 Mark P. Dentinger, Matthew S. Green,
Stewart K.P. Gross, William M. Klein,
11 Ivan M. Koon, William H. Janeway, Joseph H.
Menard, Dean Morton, Tod Nielsen,
12 Edward W. Scott Jr., Robert A. Shipp
and Deborah Stanley
13

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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN JOSE DIVISION

17 In re BEA SYSTEMS, INC. DERIVATIVE)
18 LITIGATION)

Master File No. C-06-4459 (RMW)

19 _____)
20 This Document Relates To:)

21 All Actions.)
22 _____)

**STIPULATION AND []
ORDER REGARDING BRIEFING
SCHEDULE FOR AND SETTING
HEARING ON DEFENDANTS'
RESPONSE TO SECOND
AMENDED CONSOLIDATED
COMPLAINT**

23
24 WHEREAS, on November 9, 2007, Plaintiffs filed a Second Amended Consolidated
25 Shareholder Class and Derivative Complaint (the "SAC");

26 WHEREAS, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, Defendants'
27 response to the SAC is due within ten Court days after service thereof; and
28

1 WHEREAS, Defendants intend to file a motion to dismiss the SAC.

2 IT IS HEREBY STIPULATED AND AGREED, subject to Court approval, by and
3 between the undersigned that:

- 4 1. Defendants may file their motion to dismiss the SAC on or before January 25,
5 2008;
- 6 2. Plaintiffs shall file and serve any opposition to Defendants' motion to dismiss on
7 or before March 10, 2008;
- 8 3. Defendants shall file and serve any reply to Plaintiffs' opposition by April 9,
9 2008; and
- 10 4. The hearing on Defendants' motion to dismiss shall be on April 25, 2008 at
11 9:00 a.m.

12 Dated: December 4, 2007

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

14 By: /s/ Ignacio E. Salceda
15 Ignacio E. Salceda

16 Attorneys for Nominal Defendant BEA Systems,
17 Inc. and Defendants Thomas M. Ashburn, Carol A.
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22 H. Janeway, Joseph H. Menard, Dean Morton,
23 Tod Nielsen, Edward S. Scott, Jr., Robert A. Shipp
24 and Deborah Stanley

21 Dated: December 4, 2007

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23 By: /s/ Nichole Browning

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Liaison Counsel for Plaintiffs

* * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 12/20/07



The Hon. Ronald M. Whyte
United States District Court Judge

1 I, Ignacio E. Salceda, am the ECF User whose identification and password are being used
2 to file the Stipulation and [Proposed] Order Regarding Briefing Schedule for and Setting Hearing
3 on Defendants' Response to Second Amended Consolidated Complaint. I hereby attest that
4 Nichole Browning has concurred in this filing.

5 Dated: December 4, 2007

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

7 By: /s/ Ignacio E. Salceda
Ignacio E. Salceda

8
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